a performance or display under the Copyright Act where there is an automatic system where some users upload content and other users view the content. But if they show that it is, and that the copyright laws apply in the first instance and there is infringement, then the question becomes whether the provisions of the Digital Millennium Copyright Act do apply. And there will be questions there too, Judge, while it is a defense, as to who has the burden on particular issues. And those are legal issues that we'll hash out as we go forward.

Finally, your Honor, in terms of an overview, we haven't really touched on Premier yet, but we do believe the Premier case is inappropriate for class treatment. There's too many individual issues that are going to predominate, but I won't take up a lot of time on that right now.

One last thing I would say, your Honor, is that because this bears on some of the requests that have been made for very expedited approach by Premier, for example, that we are today, we being YouTube and Google, we are today working very intensively and cooperating with some of the major content providers in the world on what we hope will be an effective technology fix that we believe would go well beyond any legal obligations that we have but would hopefully eliminate largely any such disputes in the future.

And without getting into the nuts and bolts of the technology fix, it basically would be somebody who has a

copyrighted video, for example, would provide it to us and say we don't want this up on YouTube. And then we're developing a way to take basically an electronic or video or digital fingerprint of this material so that if somebody does try to upload it, within a minute or so the computers will figure out that that's one of the items that the copyright owner said they don't want up on the system, and we would be able to pull that down until any issues are resolved.

As I said, we're working hard on that. We have invited major content companies to help us in that effort in terms of testing it. Many of them are cooperating, and we hope to have this in place -- hope and expect to have it in place sometime in the fall, hopefully in September.

If we're successful in that regard --

THE COURT: What does "in place" mean?

MR. BECK: What does "in place" mean?

THE COURT: Yeah.

MR. BECK: It means up, running and effective. So anybody that wants to could say -- a movie production house, a studio, could say here's our new Tom Cruise movie and we don't want any knuckleheads with their video cameras in the theater videoing our movie and then uploading a ten-minute segment onto YouTube, so take our movie. And we would get the movie from them, and then our computers would do their magic, and that's what's being worked on now, so there would be key information

extracted from the video and stored on a computer. And then when somebody uploads -- any video that gets uploaded basically gets filtered through the fingerprint database, and like the AFIS that the FBI has, and if there's a hit, then within minutes the computer knows that and pulls it down. So we hope that -- when I say "in place," I mean operating and available to any content provider in the world.

So that's the plan that we're working on. As I said, we believe it goes way beyond any legal requirements, but we're not interested in having legal fights if we can avoid them and we're interested in trying to cooperate with people if we can, and we're going to put that in place. We hope that obviates any future disputes. We may still have disagreements about what happened before we were able to develop this technology, and we'll resolve those in due course.

THE COURT: Thank you.

Mr. Verrilli, did you --

MR. VERRILLI: Well, I think it might make sense to hear from the class plaintiffs on the issues Mr. Beck raised and circle back to scheduling.

THE COURT: Sure.

MR. SOLOMON: Good afternoon, Judge, I'm Lou Solomon from Proskauer Rose. I'm here with Mr. Coffey from the Bernstein Litowitz firm. We too have a signed proposal.

THE COURT: I had a conference with Mr. Coffey earlier